

Equality and Diversity Policy 2025-29 Appendix 1

April 2025



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1. Aims

In line with the Equality Act 2010¹, this policy aims to ensure **everyone has the right to be treated fairly at work or when using our services**. The law protects people from discrimination on the basis of nine **protected characteristics**, which are:

- Age
- Disability²
- Sex (gender)
- Gender reassignment³
- Marriage or civil partnership⁴
- Pregnancy or maternity
- Race (ethnicity)
- Religion or belief
- Sexual orientation

The Equality Act 2010 introduced a single Public Sector Equality Duty (PSED) on public bodies and this duty came into effect in April 2011. Its three main aims are to ensure that in carrying out their functions, public bodies **have due regard to the need to:**

- **Eliminate unlawful discrimination, harassment and victimisation** and other conduct prohibited by the Act;
- **Advance equality of opportunity** between people who share a protected characteristic and those who do not; and
- **Foster good relations** between people who share a protected characteristic and those who do not.

To have **due regard** means consciously thinking about the Equality Duty's three aims. For example:

- Decision makers must be aware of the duty to have "due regard" when taking decisions which may have implications for people with particular protected characteristics.

¹ The Equality Act 2010 replaces a number of Acts and Regulations covering Race, Gender, Disability, Age, Sexual Orientation, and Religion and Belief.

² This includes people with mental health problems, learning disabilities and long-term or serious illnesses such as heart disease, cancer or HIV/AIDS.

³ A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

⁴ This protected characteristic only applies to employees.

- Councils should consider equality before and while developing policy and taking decisions, not afterwards, and they need to keep it under continual review.
- The equality duty must be integral to the council's activities and has to be carried out seriously, rigorously and with an open mind – it is not just a question of ticking boxes.

In view of the statutory requirements placed on Folkestone and Hythe District Council ('the Council'), this policy formalises the Council's commitment to supporting and promoting Equality and Diversity and ensures that it will strive to:

- **Remove or minimise disadvantages suffered by people because of their protected characteristics;**
- **Take steps to meet the needs of people from protected groups where these are different from the needs of others; and**
- **Encourage people from protected groups to participate in public life or in other activities where they are under-represented.**

2. Responsibilities

Under the Equality Act 2010, all employers and service providers (5) must treat their employees and service users fairly. For this Council:

- The Council's **Cabinet** has overall responsibility for this policy and ensuring adequate resources are provided for its implementation. Senior officers and Members will scrutinise progress against the principles set out in this policy by consistently monitoring the Equality Objectives outlined in Appendix 1.
- The Council's **Overview & Scrutiny Committee** is responsible for monitoring and scrutinising this policy and the supporting objectives in terms of the impact it has on the Council's relationship with its communities and in terms of the equality and diversity issues covered by this policy, where they affect local communities.
- The Council's **Corporate Leadership Team** is responsible for overseeing implementation of this policy and monitoring progress in delivering the supporting objectives.
- Service Leads are responsible for ensuring that all aspects of their services comply with this policy and all staff are informed of their responsibility towards the promotion of equalities. Service Leads must also complete **Equality Impact**

⁵ You are a service provider regardless of if the goods, facilities or services you provide are free or paid for.

Assessments (EIAs) when reviewing how council functions are delivered or when they develop new or review existing council policies or strategies.

- **Corporate Governance Board (CGB)**⁶ is responsible for advising on diversity and equalities issues across the Council and ensuring these are reflected in strategy and policy development, and service improvements. CGB is also responsible for co-ordinating and publishing the EIAs and monitoring progress against the Equality Objectives.
- **All staff** must ensure fairness towards colleagues, service users and other members of the community in carrying out their duties. All staff should help to promote this policy in the workplace in all aspects of service delivery and to work towards the elimination of discrimination. All staff have a duty to report instances of discrimination to their manager at the earliest opportunity so that appropriate action can be taken to remedy the situation.
- The Council requires those who **provide services on its behalf** or organisations, which are funded by the Council to ensure their service provision and employment practices are consistent with this policy.

All elected Members and employees must adhere to this policy. The consequences of non-compliance may include disciplinary action and/or legal action (see Section 6: Breaching this Policy).

3. Communication

Effective information, consultation and involvement are essential to this policy's success, and the Council will:

- Inform, consult and involve the relevant people including elected Members, employees and stakeholders about decisions which affect them so that they have the opportunity to influence policies and practises;
- Ensure that people from different backgrounds and protected characteristics are able to fully participate in consultation and involvement activities;
- Give people a voice by promoting involvement in decision-making and review such structures so that any proposed changes are considered and adopted where appropriate; and
- Ensure all staff and Members are aware of their duties under the Equality Act 2010 outlined in this policy.

⁶ CGB consists of the council's Chief Officers and a member of CLT

Our promise on equality monitoring

Whenever we seeking personal information needed for equality monitoring we will:

1. Only ask for the information we need;
2. Explain why we need the information and how it will be used;
3. Take care to ensure that individuals cannot be identified from the information collected, especially where the results of monitoring are made public or shared; and
4. Act legally in relation to confidentiality, data protection* and freedom of information.

**Data gathered for the purpose of equalities monitoring will often fall within the special categories of data under the General Data Protection Regulation (GDPR), i.e. where it relates to 'racial or ethnic origin, religious or philosophical beliefs, health or sexual orientation'. The Data Protection Act 2018, which supplements the provisions of the GDPR, explicitly provides that equalities monitoring is a lawful reason to justify the holding and processing of such special category data.*

4. Implementation

In line with the Equality Act 2010, the Council will prepare and publish Equality Objectives to help meet section 149 of the Equality Act 2010. The published objectives will identify the specific equality objective, the part of the Equality Act it will help meet, the actions that are required to achieve it, who is responsible and when the actions should be completed.

To ensure this Policy's effectiveness the Council will:

- **Publish equality information** on an annual basis to demonstrate compliance with the duty imposed by section 149(1) of the Equality Act 2010;
- Set specific and measurable **equality objectives**, monitor their progress and review them at least every four years;
- Consider the equal opportunities implications of any changes to policies, functions, strategies or projects and undertake **Equality Impact Assessments** before implementation;

- **Identify barriers** that prevent fair access to our services and take measures to address them; and
- **Monitor the composition** of our workforce and the take-up of our services and take positive action to redress inequalities.

Progress updates will be prepared and published once a year as part of the Annual Equality and Diversity Report.

5. Reporting Procedures

- **Grievance Procedures** - While this policy aims to ensure fair and equitable treatment of all staff in all aspects of employment including recruitment and selection, terms and conditions of work, training and development, performance, retirement or redundancy, individual employees who feel they have been unfairly treated should seek information and confidential advice from Human Resources.
- **Whistleblowing Policy** - Where a member of staff has concerns over a policy, procedure, a practice or the culture within a service or work area, and where they feel unable to raise concerns with a senior member of staff, the Council's Whistleblowing Policy should be referred to.
- **Complaints of Discrimination** – The Council's Complaints Procedure enables service users to raise any concerns of discrimination, harassment or victimisation.

6. Breaching this Policy

The Council will take seriously any instances of non-adherence to this policy by its staff, Members, contractors and partners. Any instances of non-adherence will be investigated and, where appropriate, disciplinary action will be considered. With regard to any breach of this policy by partners, the Council will take appropriate action in relation to the nature of the incident.

Whilst this policy relates primarily to the groups listed above section 9 relates to our wider role in the community to address these important matters.

7. Monitoring and Reviewing

Corporate Governance Board (CGB) will ensure this policy and supporting objectives are monitored and reviewed effectively by:

- Reviewing this policy and supporting action plan every four years and undertaking a light touch review each year to ensure it is consistent with current legislation and codes of practice;
- Developing and monitoring progress on the Equality Objectives set out in appendix 1;
- Ensuring the Equality Objectives are specific and measurable to enable the Council to monitor progress;
- Ensuring consultation and engagement reviews take into account the views of elected members, staff, community and voluntary groups, and trade unions; and
- Ensuring officers are mindful of the equality impacts when completing projects or policies (Equality Impact Assessments).

8. Dissemination

- This policy and supporting objectives will be public documents and made available on the Council's website;
- On request, this policy will be made available in a range of formats and languages;
- Service Leads will be asked to brief their teams on this policy;
- This policy will be available to all staff via the intranet; and
- Staff without computer access will be given copies of this policy and objectives and instructed to make them available to their staff.

Applicants for Council posts will be made aware of this policy, and it will form part of the induction programme for new employees.

9. Wider role in the community

This policy covers the Council's staff, Members, contractors and others working directly on the Council's behalf.

We recognise, however, that the Council has a wider influence in the community and can help to promote equality and tackle discrimination through our work with partners, stakeholders and residents.

The Council's Corporate Plan 2025-30, 'Our District, Our World, identifies 'Engaging meaningfully with the community' as one of its guiding principles.

It states that:

"We will use new ways to engage with people and ensure that everyone has the chance to be heard, particularly young people" and "We will deliver high quality services for all, especially the vulnerable, disadvantaged and people who struggle to access support"

The Council will not tolerate any form of discrimination and will continue to seek to eradicate racism, Islamophobia, sexual orientation discrimination, Anti-Semitism and hate crime across the district through its work with partners; developing initiatives that are actively inclusive and anti-racist.

The Council recognises and adopts in full, the International Holocaust Remembrance Alliance (IHRA) definition of Antisemitism defined as *"A certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."*

The Council is supportive of groups and individuals that are seeking to address issues of discrimination as set out above through respectful and constructive dialogue. In order to ensure its workforce is aware of these issues, the Council will invite appropriate speakers to help with training developed for Member and staff, where appropriate.

10. Appendices

Appendix 1: Equalities Objectives

	Objective	Lead	Deadline date
1.	Equality Impact Assessments (EIAs): <ul style="list-style-type: none"> Review guidance and development of training for staff on undertaking EIAs to raise awareness of the importance of conducting these assessments when a council service introduces a new policy, revises existing policy or introduces new projects/initiatives. Ensuring Equality Impact Assessments are included and published with committee reports to demonstrate due consideration has been given to equality and diversity when decisions are being made around policy, projects and initiatives. 	<p>Senior Performance Officer</p> <p>Senior Performance Officer</p>	<p>December 2025</p> <p>December 2025</p>
2	Community Engagement through consultation: <ul style="list-style-type: none"> Engagement with service users, local communities and other local stakeholders in council consultations and events. Associated information and results made available in different formats to ensure inclusivity of feedback. Publishing the results of consultation exercises and engagement events on the council website. 	<p>All Service Leads/Organisational Development/ Communications and Engagement</p> <p>Communications and Engagement</p>	<p>As required</p> <p>As required</p>
3.	Working with Partners to celebrate diversity: Working with voluntary organisations to bring people together, celebrate our diversity and enable residents to play an active role in their communities.	<p>Community Partnerships Manager</p>	<p>Ongoing (through 2025/26 year)</p>

4.	Using Equality and Diversity information to shape Housing services: Collate additional data to understand the diverse needs of our tenants, including their protected characteristics, any support needs and/or language barriers, and use this data to tailor our housing services to meet tenants' needs.	Tenant Engagement & Independent Living Manager	April 2026
5.	Establish a Housing Fair Access Policy: Introduce a Housing Fair Access Policy to ensure we deliver fair and equitable outcomes for all tenants.	Tenant Engagement & Independent Living Manager	July 2025
6.	Folkestone & Hythe Youth Forum District wide youth forum to meet in person twice a year for young people to share views on areas including housing, climate change, safety and health.	Organisational Development	September 2025
7.	Identifying Barriers to Council Services Increase options for customers to connect and transact with us online to help focus resources on supporting customers who are not able to go online as defined within the Council's Customer Access Strategy.	All Service Leads	Ongoing (through 2025/26 year)
8.	Implement Customer Access Strategy, that will: <ul style="list-style-type: none"> Ensure that all of our services are accessible to people with disabilities; consideration to be given to screen reader compatibility, hearing loop systems Review our language support services. Ensure staff are equipped with the necessary digital skills to effectively assist customers. Development of a feedback mechanism for any suggested changes and improvements to services. 	Digital and ICT Manager Customer Support Manager Digital ICT Manager/ Service Leads Customer Support Manager	Ongoing October 2025 Ongoing December 2025
9	Build the districts Climate Resilience: <ul style="list-style-type: none"> Identify climate vulnerable groups/minorities 		Ongoing

	<ul style="list-style-type: none"> • Ensure language and communication is clear and inclusive to best spread and raise awareness of climate change across the district. • Identify innovative ways to include all communities and ensure their voices are heard/considered. 	Climate Change Specialist	
10.	<p>Supporting Equality and Diversity in our workforce:</p> <p>We will continue to evaluate our people related strategies, policies and initiatives, maximise accessible development opportunities, and promote flexible working approaches to support equality and diversity in our workforce.</p>	Human Resources	Ongoing (through 2025/26 year)

Appendix 2: Forms of Discrimination (Equality Act 2010)

The legal definitions vary, but broadly speaking discrimination can occur either directly or indirectly:

Direct Discrimination occurs when a person is treated less favourably than others would be treated in the same circumstances on the grounds of having a protected characteristic, as referred to on page 2 (Aims of this Policy) of this document.

Indirect Discrimination occurs when applying a provision, criterion or practice which puts someone from a protected characteristic at a particular disadvantage.

Indirect discrimination may only be justified in exceptional circumstances if it can be shown that the action was reasonable in managing the business or organisation, i.e. that it is 'a proportionate means of achieving a legitimate aim.' A legitimate aim might be any lawful decision made in running the business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate in this context means being fair and reasonable, including showing that 'less discriminatory' alternatives to any decision made have been considered.

Discrimination by Association is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, disability discrimination against someone who is a carer of a disabled person.

Discrimination Linked to a Perceived Characteristic is direct discrimination against an individual because of a belief that they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic, for example, discrimination against someone because they are thought to be gay but are not.

Harassment is defined as being *"unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual"*.

Harassment applies to all protected characteristics, except for pregnancy and maternity and marriage and civil partnership.

Employees are able to complain of behaviour that they find offensive, even if it is not directed at them and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association and from harassment by third parties.

Victimisation takes place where one person treats another less favourably because he or she has asserted their legal rights in line with the Equality Act 2010 or helped someone else to do so. This includes making a complaint, taking legal action, providing evidence related to proceedings or alleging that discrimination has taken place. There is no legal requirement to compare treatment of a complainant with that of a person who has not made or supported a complaint.

An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Genuine occupational requirements – Under current legislation, any job may be restricted to a particular characteristic if the characteristic is a genuine occupational requirement (GOR) for the job, or for the context within which it is carried out. However, the circumstances in which this applies are very limited.

Appendix 3: Defining Equality and Diversity

By equality and diversity, we mean:

‘Equality’ is about ‘creating a fairer society, where everyone can participate and has the opportunity to fulfil their potential’⁷. For us as a council it means:

- providing everyone with equal and fair access to council services, no matter where they live and whatever their background;
- ensuring equality of opportunity so that everyone has the same chance to fulfil their potential and removing the barriers that stop people from getting on in life; and
- helping to tackle the root causes of inequality – the things like poor housing or low educational attainment that can mean some people have poorer life chances than others.

It does not mean political correctness or trying to treat everyone the same. It is about treating people as individuals and ensuring that we try to do the right thing to help people based on their own particular circumstances and needs.

But we know that some groups of people may need more help than others. For example, we know that children who grow up in poverty are less likely to gain qualifications or to go on to higher education. So we know that in some circumstances we have to help people to ensure they have the same opportunities in life to succeed.

‘Diversity’ literally means difference. When it is used as a contrast or addition to equality, it is about recognising individual as well as group differences, treating people as individuals, and placing positive value on diversity in the community and in the workforce. For us as a council, it is about providing services which respect, value and cater for the differences in the way people would like/need to have them delivered.

⁷ Department of Health, 2008.